

REMARKS

I. Claim Status

Claims 3 and 4 are currently pending and stand rejected. No amendments to those claims has been made herein.

III. Rejection under 35 U.S.C. § 102(b)

Claims 3 and 4 have been rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by JP 04-368328 to Mayasaka et al. ("Mayasaka"). Office Action at 2. Applicants respectfully traverse this rejection.

Applicants respectfully point out that the Examiner's rejection of claims 3 and 4 is based on an inaccurate English abstract of Mayasaka. Specifically, Mayasaka does not disclose "the use of N-[4-(1,4,5,6-tetrahydro-4-methyl-6-oxo-3-pyridazinyl)phenyl]acetamide for the treatment of chronic renal failure." *Id.* In fact, Mayasaka is wholly silent with respect to the use of N-[4-(1,4,5,6-tetrahydro-4-methyl-6-oxo-3-pyridazinyl)phenyl]acetamide for treating chronic renal failure. Instead, Mayasaka discloses the use of N-[4-(1,4,5,6-tetrahydro-4-methyl-6-oxo-3-pyridazinyl)phenyl]acetamide for the treatment of chronic heart failure. This correct disclosure is illustrated by the three documents being submitted on an Information Disclosure Statement herewith: JAPIO English abstract of JP 04-368328 (AN 1992-368328); CAPlus English abstract of JP 04-368328 (AN 1993-198216); and Certified English translation of JP 04-368328.

In view of the correct disclosure, Mayasaka does not teach each and every claim element, a requirement for a finding of anticipation. See M.P.E.P. § 2131. As mentioned above, Mayasaka does not teach expressly or inherently using N-[4-(1,4,5,6-

tetrahydro-4-methyl-6-oxo-3-pyridazinyl)phenyl]acetamide for the treatment of renal failure as presently claimed.

Furthermore, even if one abstract mistakenly ascribes Mayasaka of teaching such a method, one of ordinary skill in the art would have realized that that abstract was obviously mistaken when either other abstracts or the underlying document were consulted for further instruction. And a method of using N-[4-(1,4,5,6-tetrahydro-4-methyl-6-oxo-3-pyridazinyl)phenyl]acetamide for the treatment of renal failure is not enabled by the obviously erroneous abstract. Accordingly, Mayasaka fails to anticipate the presently claimed method. *See, e.g., In re Borst*, 345 F.2d 851, 853 n.2, 145 USPQ 554 (CCPA) (a disclosure will be defeated as a valid reference if it contains a mistake if one of ordinary skill in the art would not have been able to reduce the disclosed invention to practice).

Accordingly, Applicants respectfully request withdrawal of this rejection.

CONCLUSION

In view of the foregoing remarks and documents submitted herewith, Applicants respectfully request reconsideration of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our Deposit Account No. 06-0916.

Respectfully submitted,

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